REMARKS

The Examiner is thanked for the careful examination of the application, and for the suggestions for amending the application. In view of the foregoing amendments and the remarks that follow, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

Declaration:

In response to the allegedly defective declaration, an application data sheet is submitted herewith correcting the information identified by the Examiner. See 37 C.F.R. 1.76(b)(6).

Specification:

The foregoing amendments to the abstract and the specification should overcome the objections set forth in the outstanding Official Action.

Claim Objections:

The foregoing amendments to the claims should overcome the objections to the claims and the rejection under 35 U.S.C. §1.112, second paragraph.

In the event that there are further objections or informalities with the application, the Examiner is respectfully urged to telephone the undersigned attorney so such informalities can be quickly corrected.

Art Rejections:

Cercone:

Claims 1, 2, 6, 8, and 16-17 have been rejected under 35 U.S.C. §102(b) as being allegedly unpatentable over U.S. Patent No. 5,744,150, hereinafter Cercone. Cercone discloses an antimicrobial sponge having an antimicrobial agent impregnated therein. The sponge further includes a material displaying a color

change as an indication of activation of the antimicrobial agent. The preferred embodiment of the invention uses an iodine as the antimicrobial agent. The indicator is intended to change color when the material is used, i.e., becomes in contact with blood, serum, plasma, or other fluids.

In response to the rejection based on Cercone, claim 1 has been amended to indicate that the active additive produces an acid. Support for the amendment may be found in several locations, including page 4, lines 12-17. Since the additive in Cercone does not itself produce an acid, claim 1 is clearly patentable over Cercone.

Claim 16 has been amended to indicate a method of detecting an activity status of an active additive on an absorbent article after the absorbent article has been stored. The claim has been amended to include the steps of putting the visual indicator in the absorbent article, storing the absorbent article and monitoring the visual indicator for any change in activity status caused by the storing. Claim 16 is different from Cercone in that Cercone is intended to indicate changes the iodine caused by use of the sponge, not by storage. Support for the amendment to claim 16 may also be found on page 4, lines 19-24 and on page 5, lines 1-3.

In view of the differences of the method, in particular the fact that the indicator in Cercone is intended to indicate usage, whereas the indicator in claim 16 refers to storage conditions, claim 16 is clearly patentable over Cercone.

The remaining claims depend from either claim 1 or claim 16. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections based on Cercone.

Blank:

Claims 1-3, 5-6, 8, 14, and 16-17 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 4,985,023, hereinafter Blank. Blank discloses an antimicrobial superabsorbent material. Thus, with regard to claim 1, Blank does not teach or suggest an absorbent article which, among other things, has an active additive which produces an acid. With regard to claim 16, the indicator in Blank is intended and adapted to be used for detecting changes resulting from use, not from storing. Accordingly, claim 16 is also patentable over Blank.

The remaining claims are dependent claims, and are thus also patentable over Blank

Moench:

Claims 1-2, 5-6, 8, 12-14, and 16-17 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,592,949, hereinafter Moench. Moench discloses a device shaped like and functioning like a diaphragm. The device includes an acified superabsorbent powder. However, the device does not include an active ingredient which produces an acid. Accordingly, claim 1 is clearly patentable over Moench.

With regard to claim 16, Moench discloses the use of placing a dye on a test sample, and noting if the dye indicator dye changes color during use. Accordingly, Moench also does not teach or suggest a visual indicator for detecting any change in the activity status caused by storage.

Accordingly, claims 1 and 16 are clearly patentable over Moench. The remaining claims are dependent claims, which are thus also patentable over Moench.

Fenn:

Claims 1, 6, 8, 16, and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,311,479, hereinafter Fenn. Fenn relates to a device which is impregnated with an antimicrobial agent. Accordingly, Fenn also does not teach or suggest an absorbent article that has, among other elements, at least one active additive which produces an acid. Accordingly, claim 1 is clearly patentable over Fenn.

With regard to claim 16, the indicator is intended to indicate when the antimicrobial component has been reacted or used up during use. See column 3, lines 48-53. Accordingly, Fenn is also not intended to detect changes caused by storage.

Moench in view of Schoenfeld:

Claims 3 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moench in view of Schoenfeld. However, the Examiner has only relied upon Schoenfeld for its alleged teaching of the particular indicator. Accordingly, Schoenfeld does not otherwise overcome the rejections of claims 1 and 16, from which claims 3 and 15 depend.

Moench in view of SCA:

The Examiner alleges that Moench teaches the desirability of an acidic buffer, but recognizes that Moench does not teach or suggest at least one active additive which produces an acid. To overcome this deficiency, the Examiner relies upon the prior art teachings of SCA '846 as well as the background section of the present application. With regard to claim 1, Applicant submits that Moench does not teach or suggest an absorbent article which includes the active additive together with a visual

indicator. Specifically, the indicator relied upon by the Examiner is actually placed in the test sample that is placed on the device. There is no teaching or suggestion in Moench of making an absorbent article having the visual indicator incorporated therein. Furthermore, the indicator material in Moench is used to indicate the pH of the test fluid, not the pH of any active additive. Furthermore, since claim 1 now requires that the active additive produce an acid, claims 4 and 9-11 are clearly patentable over Moench in view of the background art in SCA '846. Specifically, even if the additive of the background art or SCA '846 was used in Moench, the indicator in Moench indicates that the status of the test fluid, not the status of the additive. Accordingly, claims 4 and 9-11 are clearly patentable over the applied prior art.

To further define the protection to which the applicant is entitled, new claims 18-23 are submitted. The new claims are dependent claims and are thus allowable at least for the reasons set forth above with respect to the independent claims. With respect to claims 18-22, support may be found at least in claims 2, 3, 4, 5, and 4, respectively. Support for claim 23 is at the last paragraph of page 5.

In view of the foregoing amendments and remarks, the Examiner is respectfully urged to reconsider and withdraw the outstanding objections and rejections. In the event that there any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: 
William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620